MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE:	
STATE OF MISSOURI,	Dagnandant
v.	Respondent
JOE PAT CARL.	Appellant
DOCKET NUMBER WD74664	
DATE: January 15, 2013	
Appeal From:	
Circuit Court of Bates County, MO The Honorable Debra Ann Hopkins, Judge	
Appellate Judges:	
Division Four James Edward Welsh, C.J., Mark D. Pfeiffer, J., and Abe Shafer,	Sp. J.
Attorneys:	
J. Eric Mitchell, Clinton, MO	Counsel for Appellant
Attorneys:	
Timothy Blackwell, Jefferson City, MO	Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI, Respondent, v. JOE PAT CARL, Appellant

WD74664 Bates County

Before Division Four Judges: Welsh, C.J., Pfeiffer, J., and Shafer, Sp. J.

Joel Pat Carl appeals from a judgment entered upon a jury verdict convicting him of one count of possession of a controlled substance and one count of attempt to manufacture a controlled substance. Carl contends that the circuit court erred by: (1) overruling his motion to dismiss because the State failed to bring him to trial within 180 days as required by the Uniform Mandatory Disposition of Detainers Law (UMDDL), section 217.450, RSMo Cum. Supp. 2009, and violated his right to a speedy trial; (2) overruling his motion to quash Mark Plumb as a late endorsed witness contending that, the late endorsement was prejudicial to him as he had inadequate time to prepare for Plumb's testimony; (3) overruling his motion for judgment of acquittal because there was insufficient evidence to support the guilty verdicts; (4) after once giving the hammer instruction, advising the jury to continue deliberations when the jury indicated potential deadlock and, when the jury again indicated potential deadlock, instructing a law enforcement officer to orally advise the jury to continue deliberations, and (5) allowing the opinion testimony of Agent Shayne Simmons regarding the materials and equipment being used in a methamphetamine lab because Simmons was not disclosed nor qualified as an expert and his testimony was speculative.

AFFIRMED.

Division Four holds:

- (1) The circuit court did not err in overruling Carl's motion to dismiss. Neither the UMDDL nor Carl's right to a speedy trial were violated.
- (2) The circuit court did not err in allowing the late endorsement of Plumb. The State was unaware of the witness until just prior to trial and Carl was afforded the opportunity to investigate the witness and request a continuance if additional investigation was required.
- (3) The circuit court did not err in overruling Carl's motions for acquittal. There was sufficient evidence to find Carl guilty of possession of a controlled substance and attempt to manufacture a controlled substance.
- (4) The circuit court did not err in issuing the hammer instructions to the jury. Carl presented no evidence that the instructions coerced the jury's verdict.
- (5) The circuit court did not err in allowing the opinion testimony of Agent Simmons. The limited opinion testimony was cumulative to testimony that was already admitted without objection.

Opinion by James Edward Welsh, Chief Judge

January 15, 2013

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